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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,126	05/30/2000	Samuel Louis Iserson	03046-P0003A	1380
24126	7590	08/18/2004	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619			OUELLETTE, JONATHAN P	
			ART UNIT	PAPER NUMBER

3629

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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10

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Commissioner for Patents

Please find the attached examiners answer, revised to included appeal conferees signatures/initials.

JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 10

Application Number: 09/580,126
Filing Date: May 30, 2000
Appellant(s): ISERSON, SAMUEL LOUIS

MAILED

AUG 18 2004

GROUP 3600

Wesley W. Whitmyer, Jr., Registration No. 33,558
Todd M. Oberdick, Registration No. 44,268

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 21, 2003.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences, which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is deficient because it fails to use page numbers to properly reference the information.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the appellant fails to define a proper grouping. For

purpose of review, the examiner will argue the independent claims (Claims 1 and 11).

All Claims will stand and fall together based on the independent Claims.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,311,164	OGDEN	10-2001
6,282,515	SPEICHER	8-2001

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

(a) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogden (US 6,311,164) in view of Speicher (US 6,282,515).

(c) As per independent Claims 1 and 11, Ogden discloses a system for interviewing, comprising: a computer; a storage device accessible by said computer (Fig.1); interviewer's question data stored on storage device (Fig.2); remote electronic access to said computer by at least one interviewee to review said interviewer's question data (Fig.2); software executing on said computer for forwarding said

interviewer's question data to said at least one interviewee (Fig.2); a system for capturing at least one interviewee's answer data to said interviewer's question data in real time for storage on said storage device together with corresponding interviewer's question data (Figs.1,2); and said software executing on said computer for forwarding said at least one interviewee's answer data to an interviewer (Fig.2, C5 L1-30). (Abstract, Figs.1-5, C2 L26-67, C4 L12-67, C5 L1-30, C6 L48-65, C17 L56-67, C18 L1-15, Claims 1-5).

- (d) However, Ogden fails to expressly disclose a system wherein the said data is video data collected from the interviewer and interviewee by a camera.
- (e) Speicher teaches a video interview system which uses computer camera technology (C15 L1-51, C16 L51-59).
- (f) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a system wherein the said data is video data collected from the interviewer and interviewee by a camera, as disclosed by Speicher, in the system disclosed by Ogden, for the advantage of providing a system for interviewing, which includes computer generated video interviews in order to add a visual dimension to the interview process – allowing the interviewer to get a better feeling for the interviewee (Ogden: C17 L55-67, C18 L1-15).
- (g) The rejections for the dependent claims 2-10 and 12-15 are set forth in prior Office Action, Paper No. 7.

(11) Response to Argument

Art Unit: 3629

- (a) Applicant's arguments filed 4/28/2003 and 7/21/2003 have been fully considered but they are not persuasive. The rejection will remain as final, based on the cited prior art.
- (b) Application 09/580,126 is basically claiming a method for interviewing a candidate through a recorded video message and evaluating recorded video responses to the questions returned by the candidate.
- (c) As discussed in the rejection above, Ogden teaches an interview system which allows an interviewer to send a candidate recorded questions, wherein the candidate can reply to the questions with a recorded answer file, and even suggests (motivation to combine) using video data information in the system (C18 L1-15). Speicher teaches a system wherein video clips are sent between a candidate and a user for the purpose of personal evaluation. As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the two inventions for the purpose of evaluating job candidates through pre-taped visual files, to incorporate general demeanor/visual aspects in the candidate evaluation.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,



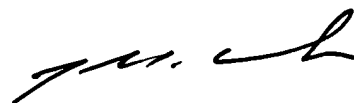
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August 5, 2004

Conferees

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